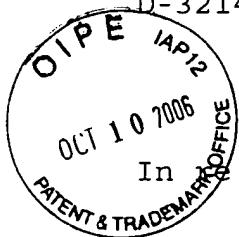


OCT 12 2006

IAP6 Rec'd PCT/PTO 10 OCT 2006

D-3214



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT

In application of:

Calvez et al.

) Group Art Unit: N/A

) U.S. Application Serial No. 10/550,843

) Examiner: Unknown

) Int. Application No. PCT/GB04/01233

) Int. Filing Date: March 24, 2004

) Priority Date March 24, 2003

) For: IMPROVEMENTS IN AND

) RELATING TO VERTICAL-

) CAVITY SEMICONDUCTOR

) OPTICAL DEVICES

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF APPLICATION FOR PATENT
UNINTENTIONALLY ABANDONED UNDER 37 CFR 1.137(b)

Sir:

Applicant hereby petitions under 37 CFR 1.137(b) for revival of the above-identified application which was unintentionally abandoned by failing to pay the basic national fee as set forth in 37 CFR 1.495(b)(i) within 30 months from the priority date. Enclosed is a copy of the Notification of Abandonment mailed September 26, 2006.

Applicant submits that the entire delay in paying the basic national fee under 37 CFR 1.495(b)(i) to avoid abandonment of the above-identified application, that is from the expiration of thirty (30) months from the priority date of the above-identified application until the filing of this Petition under 37 CFR 1.137(b), was unintentional.

10/17/2006 HKAYPAGH 00000094 10550843

02 FC:2453

750.00 0P

~~10/13/2006 NGUYEN 00000014 10550843~~

01 FC:2453

~~750.00 0P~~

Upon grant of this Petition, applicant is submitting a check in the amount of \$150 to cover the basic national fee (small entity) in the above-identified application.

A check in the amount of \$750 for the petition fee under 37 CFR 1.17(m) is enclosed herewith.

In view of the above, applicant respectfully requests that this Petition be granted and the enclosed check for the basic national fee be properly credited to the above-identified application, and that the above-identified application be considered pending and in good standing in the Patent and Trademark Office. Should any matters remain unresolved, the Examiner is requested to call the undersigned attorney at the telephone number given below.

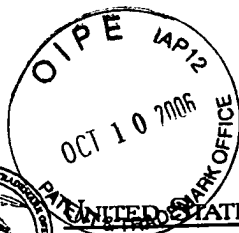
Respectfully submitted,

Date: _____

10/10/06



Frank J. Oxa
Attorney for Applicant
Acting under 37 CFR 1.34
Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/550,843	FIRST NAMED APPLICANT Stephane Luc Dominique Calvez	ATTY. DOCKET NO. D-3214
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INTERNATIONAL APPLICATION NO.

PCT/GB04/01233

I.A. FILING DATE

03/24/2004

PRIORITY DATE

03/24/2003

33197
 STOUT, UXA, BUYAN & MULLINS LLP
 4 VENTURE, SUITE 300
 IRVINE, CA 92618

CONFIRMATION NO. 6005

371
 ABANDONMENT/TERMINATION
 LETTER



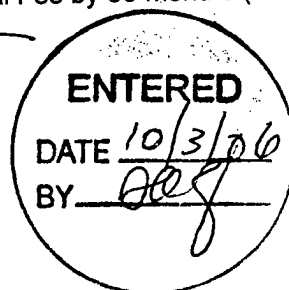
OC000000020569826

Date Mailed: 09/26/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).



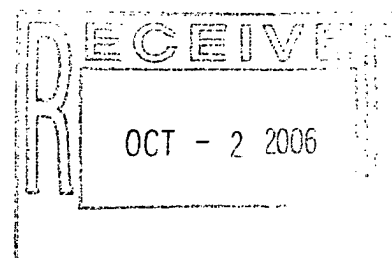
Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

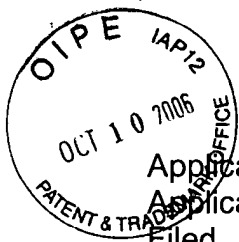
INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/550,843 Confirmation No.
Applicant : Calvez
Filed : Int. Filing Date March 24, 2004
Title : IMPROVEMENTS IN AND RELATING TO VERTICAL-CAVITY
SEMICONDUCTOR OPTICAL DEVICES
TC/A.U. : NA
Examiner : NA
Docket No. : D-3214
Customer No. : 33197

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

EXPRESS MAIL MAILING LABEL NO.
Date of Deposit:

EV517444038US
October 10, 2006

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to MAIL STOP PETITION Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

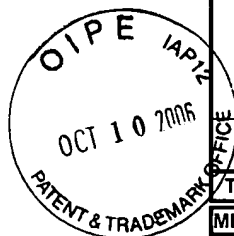
- | | |
|--|--|
| <input type="checkbox"/> Utility Patent Application Transmittal | <input type="checkbox"/> Assignment; 37 CFR 3.73(b) Statement |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> Declaration (____ page(s)) | <input checked="" type="checkbox"/> Stamped, self-addressed postcard |
| <input type="checkbox"/> Power of Attorney | <input checked="" type="checkbox"/> Other: 1. <u>Petition to Revoke.</u> |
| | 2. Check in the amount of \$150 for basic national filing fee. |
| | 3. Check in the amount of \$750 for Petition fee. |

Each of the 3 above-identified documents are enclosed herewith.

Respectfully submitted,

Date: 10/10/2006

Janet McGhee
Assistant to Frank Uxa
Stout, Uxa, Buyan & Mullins, LLP
4 Venture, Suite 300
Irvine, California 92618
Telephone: 949-450-1750



FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☒ Application claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 900

Complete if Known

Application Number	10/550,843
Int. Filing Date	March 24, 2004
First Named Inventor	Calvez
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	D-3214

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number 21-0890 Deposit Account Name Frank J. Uxa

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) associated with this communication

☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	150
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
Subtotal (1)							150

2. EXCESS CLAIM FEES

<u>Fee Description</u>				Small Entity	
		<u>Fee (\$)</u>		<u>Fee (\$)</u>	
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent				50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent				200	100
Multiple Dependent Claims				360	180
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
_____ -20 or HP = _____	x _____	_____	_____	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
HP = highest number of total claims paid for, if greater than 20					
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	_____	_____
_____ -3 or HP = _____	X _____	_____	_____		
HP = highest number of independent claims paid for, if greater than 3					
				Subtotal (2)	0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ -100 = _____	/50 = _____	_____(round up to a whole number)	x _____ = _____	
			<u>Subtotal (3)</u>	<u>0</u>

4. OTHER FEE(S)

- ☐ Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)
- ☐ Non-English Specification: \$130 fee (no small entity discount)
- ☐ 1-month extension of time: \$120 fee (\$60 small entity discount)
- ☐ 2-month extension of time: \$450 fee (\$225 small entity discount)
- ☐ 3-month extension of time: \$1020 fee (\$510 small entity discount)
- ☐ 4-month extension of time: \$1590 fee (\$795 small entity discount)
- ☐ 5-month extension of time: \$2160 fee (\$1080 small entity discount)
- ☐ Information Disclosure Statement Fee: \$180 fee (no small entity discount)
- ☐ Notice of Appeal: \$500 fee (\$250 small entity discount)
- ☐ Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)
- ☐ Request for Oral Hearing: \$1000 fee (\$500 small entity discount)
- ☐ Utility Issue Fee: \$1400 fee (\$700 small entity discount)
- ☐ Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)
- ☐ Request for Continued Examination: \$790 fee (\$395 small entity discount)
- ☒ Other: Petition for Revival

10/13/2006 CNGUYEN 00000014 10558843

02-EC:2011

150.00 DP

Subtotal (4) 750

SUBMITTED BY

Name (Print/Type)	Frank J. Uxa	Registration No. (Attorney/Agent)	25,612	Telephone	949-450-1750
Signature		Date	10/16/06		